

REMARKS

Entry of the foregoing, reexamination and reconsideration of the subject matter of the invention as claimed herein are respectfully requested.

Restriction

Claims 35-50 were previously subject to a restriction requirement. The basis for the restriction requirement was that unity of invention allegedly did not exist for claims directed to a floor covering material and claims directed to a method for producing the floor covering material. The basis for lack of unity of invention was stated to be that the claims allegedly lacked the same or corresponding special technical features for the reason that claim 26 "is either obvious over or anticipated by US 5,965,198.

Accordingly, the special technical features linking the two inventions, a floor covering with a PVC material, does not provide a contribution over the prior art, and no single general inventive concept exists." Official Action dated March 23, 2004, page 2. That restriction was made final on the basis of "the Examiner's belief that US Patent 5,965,198 still anticipates the invention, as shown by the rejection below, and thereby making the restriction valid." Official Action dated November 2, 2004, page 2.

This basis for lack of unity of invention, however, is improper and no longer exists as evidenced by the indication that claims 26-34 are allowable. Official Action dated June 29, 2005, page 2. Since claims 26-34 were found to be patentable over US Patent 5,965,198, the special technical feature linking the two sets of claims (*i.e.*, the novel floor covering material) does provide a contribution over the prior art and a single general inventive concept does exist.

Withdrawal of the restriction requirement is thus respectfully requested and believed to be in order.

However, in order to provide a complete reply to the Official Action, claims 35-50 have been canceled. In the event that the restriction is reconsidered, please notify applicants' undersigned attorney so that claims 35-50 can be reintroduced prior to the declaration of an interference. As previously noted, US Patent 6,579,610 contains both method and product claims. Thus, presentation of both sets of claims in the instant application will advance a decision on priority for both sets of claims rather than piecemeal by two separate interferences.

Applicants are Entitled to Senior Party Status in Interference

The instant application was filed November 6, 2002. It is a National Phase application filed pursuant to 35 U.S.C. §371 for PCT/GB99/03169, filed on October 11, 1999. Priority is claimed back to GB 9822019.7, filed on October 8, 1998. An Amendment was filed on October 15, 2003, to copy certain claims of U.S. Patent No. 6,579,610 ("the '610 Patent"). *See*, page 1 of the Amendment.

The '610 Patent issued from Application No. 09/830,041, which was a National Phase application pursuant to §371 for PCT/GB00/00056, filed on January 11, 2000, and claiming priority to GB 9900577.9, filed on January 13, 1999. The instant application thus has an earlier priority date than the '610 Patent.

The '610 Patent recited claims copied from the corresponding PCT application for the instant application. *See*, Preliminary Amendment dated April 20, 2001, page 10;

and Amendment dated November 7, 2002, page 7. Applicants for the '610 Patent requested that an interference be declared with any pending U.S. application relating to PCT/GB99/03169, *i.e.*, the instant application. No such interference was declared. Nor is there any indication in the prosecution history that the instant application or the issue of priority of invention was considered.

Conclusion

In view of the above, Applicants respectfully request that the Restriction Requirement be withdrawn and that Applicants be allowed to reintroduce claims 35-50 in this application so that all interfering subject matter may be addressed in an interference with the '610 Patent.

Further and favorable action in the form of a Notice of Allowance is respectfully requested and believed to be in order. Since the pending claims are deemed allowable, an interference should be declared between the instant application and the '610 Patent. Applicants should be named Senior Party in such an interference.

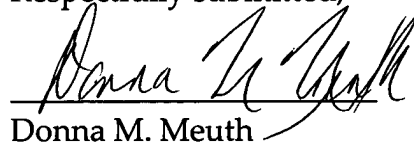
A three-month extension of time is enclosed herewith, in addition to the required fee. No additional fees are believed to be due in connection with this correspondence. However, if any additional fees are due, please charge any payments due to our Deposit Account No. 08-0219.

Applicants note that a Supplemental Information Disclosure Statement was filed in this application on February 24, 2005. An Examiner-initialed copy of the PTO 1449

has not yet been received and thus is respectfully requested for Applicants' files. A copy of the form is enclosed herewith for the Examiner's convenience.

The Examiner is invited to telephone the undersigned at the telephone number given below in order to expedite the prosecution of the Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donna M. Meuth", is written over a horizontal line.

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